IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Steve Weinberg,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**Civil Action No. 3-06-CV2332-B**
	§	**ECF**
National Football League Players Association, Roger Kaplan, Gene Upshaw, Tom DePaso, Richard Berthelson, Keith Washington, Mark Levin, and Trace Armstrong	§	
	§	
Defendants.	§	

PLAINTIFF STEVE WEINBERG'S EXPEDITED AGREED MOTION TO EXTEND DEADLINE TO FILE PLAINTIFF'S MOTION TO REMAND AND TO FILE PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL ARBITRATION AND TO DISMISS PETITION

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Steve Weinberg ("Weinberg") hereby files its Expedited Agreed Motion to Extend Deadline to File Motion to Remand and Memorandum of Law In Support Thereof. Specifically, Weinberg moves for a two-week extension of time until January 31, 2007 to file Plaintiff's Motion to Remand and Plaintiff's Response to Motion to the NFLPA Defendants' Motion to Compel Arbitration and to Dismiss Petition. The "NFLPA Defendants" include the National Football League Players Association, Gene Upshaw, Tom DePaso, Richard Berthelson, Keith Washington, mark Levin and Trace Armstrong. In support of his Motion, Plaintiff Steve Weinberg states as follows :

Dockets.Justia.

I.

BACKGROUND

1. The Petition. On or about November 20, 2006, Plaintiff Steven Weinberg filed his First Amended Petition in Steve Weinberg v. National Football League Players Assoc., et al., Cause No. 06-11845, in the District Court for the 95th Judicial District of Dallas County, Texas (the "Petition").

2. The Removal. On or about December 18, 2006, the NFLPA Defendants timely removed this action to the United States District Court for the Northern District of Texas, Dallas Division. The non-NFLPA Defendants in this action (Defendants Kaplan, Shatsky, and Agnone), consented to the removal.

3. Notice of Removal and Defendants' Motion to Dismiss. After receiving a two-week extension of time from this Court to file their response to Petition, the NFLPA Defendants filed their Motion to Compel Arbitration and Motion to Dismiss Petition on January 9, 2007 ("Defendants' Motion to Dismiss").

4. Pursuant to applicable local rules, Plaintiff is required to file his Motion to Remand within thirty days of the Notice of Removal on or by January 17, 2007 and is required to file a response to Defendants' Motion to Compel Arbitration and to Dismiss Petition within twenty days or by January 29, 2007.

5. One of Plaintiff's counsel, who is responsible for preparing Plaintiff's Motion to Remand and Plaintiff's Response to Defendants' Motion to Dismiss, has been sick over the past week. In addition, due to the sheer number of issues to be addressed in Plaintiff's Motion to Remand and Plaintiff's Response to Defendants' Motion to Dismiss, Plaintiff is requesting until January 31, 2007 to file this Motion to Remand and Plaintiff's Response to Defendants' Motion to Dismiss.

II.

MOTION

5. In the absence of improper prejudice to a party, the Court enjoys broad discretion over the administration of its cases. *See, e.g.,* Macklin v. City of New Orleans, 293 F.3d 237, 240 (5th Cir. 2002) ("As there is no indication that the district court exercised leniency unfairly [in extending filing deadlines] or otherwise improperly prejudiced [the plaintiff], we find no abuse of discretion.") Moreover, Rule 6(b) of the Federal Rules of Civil Procedure permits the Court, in its discretion, to enlarge a period of time "for cause" when a request is made prior to the expiration of time originally allowed. Fed. R. Civ. P. 6(b).

6. Given the complexity and sheer number of issues raised in Defendants' Notice of Removal and the NFLPA Defendants' Motion to Compel Arbitration and to Dismiss the Petition, Plaintiff's Counsel asked until January 31, 2007 to file Plaintiff's Motion to Remand and Plaintiff's Response to Defendants' Motion to Compel Arbitration and to Dismiss the Petition. This request was also made because Plaintiff's counsel, Bart F. Higgins, who is responsible for preparing the above-cited briefs, has been sick for the past week.

7. On January 15, 2007, counsel for the NFLPA Defendants, Ralph Miller, agreed to Plaintiff's request for an extension of time.

III.

CONCLUSION

Plaintiff Steve Weinberg respectfully requests an Order extending their deadline to file Plaintiff's Motion to Remand and to file Plaintiff's Response to NFLPA Defendants' Motion to Compel Arbitrator and to Dismiss the Petition on or before January 31, 2007.

Respectfully submitted,

FRIEDMAN & FEIGER, LLP

By: /s/ Bart F. Higgins
Lawrence J. Friedman
State Bar No. 07469300
S. Wallace Dunwoody IV
State Bar No. 24040838

5301 Spring Valley Road
Suite 200
Dallas, Texas 75254
Telephone: (972) 788-1400
Telecopy: (972) 788-2667

ATTORNEYS FOR THE PLAINTIFF, STEVE WEINBERG

CERTIFICATE OF CONFERENCE

This is to certify that on the January 15, 2007 counsel for the Plaintiff sent an e-mail message to counsel for the NFLPA Defendants, Ralph Miller, requesting an extension of time to file Plaintiff's Motion to Remand and Plaintiff's Response to Defendants' Motion to Compel Arbitration and to Dismiss the Petition. On January 16, 2007, counsel for the NFLPA Defendants, Ralph Miller, informed Plaintiff's counsel, Bart F. Higgins, that the NFLPA Defendants would agree to Plaintiff's request for extension of time.

s/ Bart F. Higgins

CERTIFICATE OF SERVICE

On January 16, 2007, I electronically transmitted the foregoing Plaintiffs' Expedited Motion For Extension of Time To File Motion To Remand and To File Plaintiff's Response to NFLPA Defendants' Motion to Compel Arbitration and to Dismiss the Petition and Memorandum of Law in Support Thereof using the ECF System for filing a Notice of Electronic Filing to those parties registered for ECF in this case. I further certify that the foregoing document was served on all counsel of record by ECF.

/s/ Bart F. Higgins
Bart F. Higgins

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